

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY IMPERIAL,

Plaintiff,

v.

DEPARTMENT OF VETERANS  
AFFAIRS, et al.

Defendants.

No. 2:21-cv-00108 JAM AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). On January 26, 2021, defendant filed a motion to dismiss this case. ECF No. 5. Plaintiff did not respond. Concerned that plaintiff had abandoned this case, the court issued an order to show cause within 14 days why this action should not be dismissed for failure to prosecute. ECF No. 7. Plaintiff was cautioned that failure respond could lead to a recommendation that the action be dismissed. Plaintiff again did not respond. Plaintiff has not responded to the court’s orders, nor taken any action to prosecute this case.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R. Civ. P. 41(b); Local Rule 110.

1 These findings and recommendations are submitted to the United States District Judge  
2 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one  
3 (21) days after being served with these findings and recommendations, plaintiff may file written  
4 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s  
5 Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file  
6 objections within the specified time may waive the right to appeal the District Court’s order.  
7 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

8 || DATED: March 9, 2021

Allison Claire  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE